

ARIZONA HOUSE OF REPRESENTATIVE
54th Legislature – First Regular Session

HOUSE AD HOC COMMITTEE ON EARNED RELEASE CREDITS FOR PRISONERS

Report of Interim Meeting
Monday, September 23, 2019
House Hearing Room 4 – 10:00 A.M.

Convened 10:00 A.M.

Recessed

Reconvened

Adjourned 12:38 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

9-23-19

Members Present

Representative Walter Blackman, Chair
Representative Shawna Bolick
Representative Domingo DeGrazia
Representative Diego Espinoza
Representative Bret Roberts
Representative Diego Rodriguez

Members Absent

Representative Reginald Bolding, Jr. (exc.)
Representative Tony Rivero (exc.)
Representative Ben Toma, Vice Chair (exc.)

Agenda

Original Agenda – Attachment 1

Request to Speak

Report – Attachment 2

Committee Attendance

Report – Attachment 3

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Robert Oldfield	Representing self	4
Paul Hanley	Representing self	5



Committee Secretary
September 23, 2019

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

HOUSE AD HOC COMMITTEE ON EARNED RELEASE CREDITS FOR PRISONERS

Date: Monday, September 23, 2019

Time: 10:00 A.M.

Place: HHR 4

AGENDA

1. Call to Order
2. Public Testimony
3. Committee Discussion
4. Adjourn

Members:

Representative Walter Blackman, Chair
Representative Reginald Bolding, Jr.
Representative Shawwna Bolick
Representative Domingo DeGrazia
Representative Diego Espinoza
Representative Tony Rivero
Representative Bret Roberts
Representative Diego Rodriguez
Representative Ben Toma, Vice Chair

9/18/19
jy

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

Information Registered on the Request to Speak System

House Ad Hoc Committee on Earned Release Credits for Prisoners (9/23/2019)

2, Public Testimony

Support:

Donna Hamm, Executive Director, Middle Ground Prison Reform; Stephanie Schroeder-Whitney, representing self; Vicky Campo, representing self; Dave Wells, representing self; Paul Hanley, representing self; Joseph Melone, representing self; Harry Cordova, representing self; Jennifer Dadesho, representing self; Robert (Barney) Oldfield, representing self; David Sheppard, representing self; Patricia Borden, representing self; Stephen May, representing self

Neutral:

Jeffrey Garami, representing self; Joe Watson, AMER FRIENDS SERVICE COMTE; Tuesday Brauer, representing self; Adrienne Kitcheyan, representing self; John Fabricius, representing self; Sue Ellen Allen, representing self

All Comments:

Stephanie Schroeder-Whitney, Self: My son is in the system, Yuma La Paz Unit. I would like to speak to the need for education and productive programing with potential to earn time off a sentence for completing these programs.; Vicky Campo, Self: The recidivism rate for those who committed sexual offenses is lower than for any other class of crime. Please do not exclude sex offenders from this potential legislation.; Dave Wells, Self: Will present from Alternatives to Violence Workshop at Lewis Prison-combined with GCI analysis of how funds currently misappropriated relative to best outcomes and importance of earned release for violent offenders as well nonviolent offenders.; Paul Hanley, Self: I hope the legislature will reform earned release credits so ANY inmate who shows substantial evidence of rehabilitation will be eligible. It's sad that labels like "sex offender" lead people to believe some people are incapable of change.; Joseph Melone, Self: mad as fuck; Harry Cordova, Self: I support the forward moving efforts of this committee. Whats needed is to expand excluded ERC categories to include non-violent, no hands on 1st time offenders who had no choice but to take a plea deal because of archaic Statutes under Sentencing.; Robert (Barney) Oldfield, Self: Release credits are a strong conservative position so the state is not spending more money than necessary for incarceration.; Patricia Borden, Self: Reform should be for all and be based on facts, not fear. People who commit sex offenses have low recidivism and the added protections of mandatory therapy, the registry and other safeguards. We should not repeat history by marginalizing people.; Stephen May, Self: All inmates should be given an opportunity to earn an early release. Please include violent and sexual offenses in your reform. Sex offenses in particular have very low recidivism and the added protection of mandatory therapy and other safeguards.; Jeffrey Garami, Self: too many people incarcerated for way too long; John Fabricius, Self: I am a former inmate currently on community supervision. I am one of the authors of the ADC Citizens' Oversight and Advisory Board proposal. I have testimony for the committee that I would like to share. Thank you.

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Earned Release Credits Bill Number _____
Date 9-23-19 ☐ Support ☐ Oppose ☐ Neutral
Name David Sheppard Need to Speak? ☒ Yes ☐ No
Representing Smart Justice Are you a registered lobbyist? _____
Complete Address 2942 N. 24th St
E-mail Address Tinalikely@aol.com Phone Number 602-733-7574
Comments: _____

FIVE-MINUTE SPEAKING LIMIT

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HOUSE OF REPRESENTATIVES

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Committee on Earned release credits Bill Number _____
Date 9-23-19 ☐ Support ☐ Oppose ☐ Neutral
Name Darin Petronic Need to Speak? ☒ Yes ☐ No
Representing Smart Justice Are you a registered lobbyist? _____
Complete Address 3915 W. Thunderbird
E-mail Address Petronic.darin@gmail.com Phone Number (602) 900-2710
Comments: _____

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HOUSE OF REPRESENTATIVES

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Committee on Earned Release Bill Number _____
Date 9/23/19 ☐ Support ☐ Oppose ☐ Neutral
Name Dawn Randles Need to Speak? ☒ Yes ☐ No
Representing _____ Are you a registered lobbyist? _____
Complete Address 8122 N. 112th Ave Peoria Az 85345
E-mail Address missdnaz@gmail.com Phone Number 602-434-6012
Comments: _____

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HOUSE OF REPRESENTATIVES

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Committee on Earned Release Credit Bill Number N/A
Date _____ ☒ Support ☐ Oppose ☐ Neutral
Name Susana E. Verdugo Need to Speak? ☒ Yes ☐ No
Representing self & 14 y.o. son Are you a registered lobbyist? _____
Complete Address 735 E. Pierce St Phoenix, AZ 85006
E-mail Address Susana952002@gmail.com Phone Number (323) 331-7040
Comments: _____

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HOUSE OF REPRESENTATIVES

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Committee on Earned Related Credits Bill Number _____
Date 9/23/19 ☒ Support ☐ Oppose ☐ Neutral
Name Carmen Hrenivice Need to Speak? ☒ Yes ☐ No
Representing Self Are you a registered lobbyist? _____
Complete Address 6546 West Aster Drive
E-mail Address Carmen/h585@gmail.com Phone Number _____
Comments: _____

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HOUSE OF REPRESENTATIVES

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Committee on Earned Credit Release Bill Number Ad Hoc Center
Date 9/23/2019 ☒ Support ☐ Oppose ☐ Neutral
Name Lucinda Hites-Clabough Need to Speak? ☒ Yes ☐ No
Representing Leroy Jackson, Jr. Are you a registered lobbyist? No
Complete Address 2704 Firwood Lane Forest Grove,
E-mail Address frodohc@hotmail.com Phone Number (503) 330-7434 Oregon
Comments: I've flown back to speak, as encouraged by Chair Blackman, re: solutions

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HOUSE OF REPRESENTATIVES

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Committee on ERC Bill Number N/A
Date 9/23/19 ☒ Support ☐ Oppose ☐ Neutral
Name Dawn Curtis Need to Speak? ☒ Yes ☐ No
Representing directly impacted / occupational community Are you a registered lobbyist? no
Complete Address 7979 W. Devonshire Ave, Phoenix AZ 85033
E-mail Address dawncurtis77@yahoo.com Phone Number 480-749-5061
Comments: representing ACLU, Along Side Ministries, occupation

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HOUSE OF REPRESENTATIVES

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Committee on ERC Bill Number N/A
Date 9/23/19 ☒ Support ☐ Oppose ☐ Neutral
Name Brenda Gentry Need to Speak? ☒ Yes ☐ No
Representing Along Side Ministries Are you a registered lobbyist? no
Complete Address 2830 W. Northern Phx 85051
E-mail Address bgentry@asmaz.com Phone Number 602-885-0767
Comments: _____

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HOUSE OF REPRESENTATIVES

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Committee on Reduced in Sentencing Bill Number _____
Date _____ ☐ Support ☐ Oppose ☐ Neutral
Name Janet Wortmann Need to Speak? ☒ Yes ☐ No
Representing Self Are you a registered lobbyist? _____
Complete Address 4154 W. Orchid Ln Chandler
E-mail Address Janetjg7777@gmail Phone Number 480-540-009
Comments: _____

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HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on _____ Bill Number ERC
Date 9-23-19 ☐ Support ☐ Oppose ☐ Neutral
Name Mark Povenstine Need to Speak? ☐ Yes ☐ No
Representing self Are you a registered lobbyist? no
Complete Address 5006 Westgrove Dr Dallas 75248
E-mail Address MARK Povenstine@gmail Phone Number 918-914-3773
Comments: _____

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on computer RTS, to.

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HOUSE OF REPRESENTATIVES

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Committee on EARNED RELEASE CENTS Bill Number HB2270
Date 09.23.19 ☒ Support ☐ Oppose ☐ Neutral
Name JENNIFER DATESHO Need to Speak? ☒ Yes ☐ No
Representing FAMILY Are you a registered lobbyist?
Complete Address PO BOX 240 NAPA CA 94559
E-mail Address JENNIFERDATESHO@GMAIL.COM Phone Number 709 968 1212

Comments:

I BELIEVE I AM ON THE LIST TO SPEAK. CORRECT?

FIVE-MINUTE SPEAKING LIMIT

ARIZONA STATE LEGISLATURE
Fifty-fourth Legislature – First Regular Session

INTERIM COMMITTEE ATTENDANCE RECORD

COMMITTEE ON HOUSE AD HOC COMMITTEE ON EARNED RELEASE CREDITS FOR PRISONERS

CHAIRMAN: Walter Blackman VICE-CHAIRMAN: Ben Toma

DATE	8/5/19	8/23/19	/19	/19	/19
CONVENED	am	10:00 am			
RECESSED					
RECONVENED					
ADJOURNED		12:38 PM			
MEMBERS					
Representative Reginald Bolding, Jr		Exc			
Representative Shawna Bolick		✓			
Representative Domingo DeGrazia		✓			
Representative Diego Espinoza		✓			
Representative Tony Rivero		Exc			
Representative Bret Roberts		✓			
Representative Diego Rodriguez		✓			
Ben Toma, Vice-Chairman		Exc			
Walter Blackman, Chairman		✓			

✓ Present --- Absent exc Excused

I am Robert Oldfield, LTC, USA, Retired, often called Barney. I was released from a "gated community" last December after 15 y flat-time for a sexual crime. I was guilty of that crime and take full responsibility for my actions. I apologize to my victim if my appearance causes any ill feelings.

I had an unblemished record in prison. I was phase 3 for most of my sentence. No disciplinary, I worked, programmed and participated in therapy.

What would earned release time have meant for me? If I had been released with 85% + 180 days T.R., I would have been released after about 12 years. By that time, I had completed therapy and programming. I would have happily accepted the release time as extra parole time. I would have been 72, my marriage likely saved, my ability to get work easier, fewer health issues, and the cost of housing would have been less. I would have paid about \$36,000 state and federal taxes on retirement and would have added to the economy. I would have saved the state about \$120,000 of incarceration and medical costs. The important thing: would I have been a greater risk to society being released at 72 rather than 75? The answer is statistically "NO."

Earned release credits and T.R. are in line with these values! Incarcerating people forever, or for such long terms they become wards of the state when released at enormous cost is not in line with conservative thinking, because the state is paying only for the time necessary to rehabilitate the offender. It is ~~not~~ an American value of allowing second chances. Am I some wild-eyed liberal? Of course not! I want more money going to education and other programs that make Arizona a great state. I am a center-right person. I believe in law-enforcement and incarcerating those who have committed serious crimes and are a danger to society. But my beliefs also center on that incarceration should only be as long as necessary. Many victim rights groups support that, because the earlier someone is released, the sooner restitution can be paid off, more money for victim rights causes and restorative justice. Finally, excessive incarceration causes inmates to lose hope, become depressed, bitter, bullies and often, leads to suicide.

If "ADC" is really the "Arizona Department of Corrections", then a paradigm shift is needed on how the department operates. As a commander in the Army, I learned the busier my soldiers were with constructive activities, the fewer problems I would have. ADC needs the same philosophy. Inmates should be evaluated at intake on their educational, program, therapy, vocation and future release needs. Every inmate should have a busy schedule every day. Every inmate should be evaluated by their CO-III once a quarter for progress, which, over time could turn into additional release credits.

One does not train a dog to behave during its last 2 years of life; it is trained as a puppy. So, should it be with inmates. Good programming at the beginning of an inmate's term should orient the inmate to the benefits of good behavior and programming. Now, inmates are given therapy, vocational counselling and release planning during their last year, if at all. This is too late and results in many failures and high recidivism. Suppose 70% of 3rd graders failed the reading and math exam. There would be an uproar. Because of media and society indifference, no one seems to care about the thousands of new victims created when a new crime is committed, and the individual returned.

ADC will ask, "where is the money coming from?" It can come from reinstating parole, allowing good time to be earned, changing "truth in sentencing" from 85% to 65% and 50%, and changing sentencing structure. 1 day of good time for 40,000 inmates = 1 million dollars. Imagine how much programming could be paid with 1 year of good time (14,600,000 dollars)! Money not needed by ADC could go to education and other programs, underfunded because of the high cost of incarceration. There is no incentive as effective as "good time." And "earned release credits.". The opportunity of earlier release after many years in prison helps keep inmates focused on good behavior and doing what is required. Flat time tells an inmate that it makes no difference what they do, they will not be released a second sooner. Flat-timers usually have higher disciplinary rates as a result.

I hope you will consider all offenders in your earned credit release bill.

Mr. Blackman Bullets

1. There is nothing like the hope of a shorter sentence (good time, parole) to motivate inmates to good behavior, program, therapy, work, etc.
2. For every day of good time for 40,000 inmates, ADC saves \$1 million dollars. For every year, the savings is 14,600,000. Pays for a lot of programming.
3. Diversion programs need to include children who commit sex offenses, teen sexting and Romeo and Juliet cases, where age difference is 3 y or less, youngest is at least 13. (NC-similar-only 5 yr)
4. ADC must realize, like training a dog, behavior modification must begin at entry, not exit.
5. ADC must assure every inmate has a job (if not retired) and a safe place to live. Life on the streets is unacceptable in today's society.
6. Using shorter incarceration and longer parole/probation, the released become productive members of society, while still being under supervision. Restitution is also paid off faster.
7. A PO can manage 30 released more economically than ADC can manage 30 incarcerated.
8. The registry should be by zip code and no registered citizen should be treated differently for housing, benefits, jobs, etc than any other felon, unless there is a compelling reason.
9. Statistics show a non-convicted male has a 5% chance to commit a sex crime, while those released have less than 4% to reoffend with another sex crime. And we know many sex crimes, especially against children, are unreported.
10. Inmates are human beings, slaves of the state via the 13th amendment. But that doesn't mean inmates should be treated as slaves of the 18th and 19th century. That should mean that they should be housed and fed humanely, not subject to "crowded boxcar" conditions and live with controls for extreme heat and cold. They should get adequate clothing and not forced to purchase necessary clothing. How many of you could get by w/ 3 underwear a week and one laundry day?
11. Extremely long sentences with a lot of boredom often lead to suicides or even wanting to volunteer for lethal injection.
12. Every new candidate for a teaching position or entry into school of education should undergo psychological testing to determine if there is a sexual risk to students. Those who have not taught before may have a clean record, but an environment with young people could bring on unwanted tendencies.

Thank you. Here are copies of my entire testimony.

Robert H. Oldfield, Registered and Concerned Citizen

Oldfield, Robert H., R.C. 23 September 2018

Chairman Blackman. committee. good morning.

I am Robert Oldfield. LTC. USA. Retired. often called Barney. I was released from a "gated community" last December after 15 y flat-time for a sexual crime. I was guilty of that crime and take full responsibility for my actions. I apologize to my victim if my appearance causes any ill feelings.

I had an unblemished record in prison. I was phase 3 for most of my sentence. No disciplinary, I worked, programmed and participated in therapy. I did request 1 year of clemency, but was turned down. That was unfortunate, as I was absolutely ready and prepared for society. Poor me, I have known dozens turned down for clemency. One, with terminal cancer because he didn't take SOETP. One for an event that surfaced when he was a child, over 45 years ago. One, like me with no disciplinary, denied because he didn't take a plea deal. One turned down because he did take a plea deal. Success in clemency is right up there with winning Power Ball...virtually none. Why? The governor must sign off and for most governors, it is just easy to say "No." I have 17 months of parole remaining, which I am accomplishing with the same attitude I had in prison. Mesa has classified me as a Level 1. I am retired, which is good, as I cannot get work. I have had successful careers in teaching, military, state and Federal government as a geologist. I presently volunteer for 2Lov1Another in Phoenix. They run half-way houses for the released, particularly registered citizens.

I was bullied extensively in prison. I had health issues and diagnosed with autism and other mental disorders. ADC likes to move the bullied instead of dealing with the bullies. ADC takes over 10% of the state budget, but the news media covers less than 1% of the problems, unless there is an execution. This lack of attention has allowed ADC to run amok with many issues, including murder and assaults on the yards. Any DW will tell you that all they do is "warehouse human beings."

I was released at the age of 75. I was fortunate to have retirement resources, yet it was very difficult to find a place to live and get everything done. I was fortunate a friend chauffeured me to the various places I had to go. I will mention my release residence in far-east Mesa was operated by a family who appreciated SO's, as they were quiet and paid their rent. He had a younger daughter and other families resided in his motel. Adjacent, was another motel full of families with children. There were never any problems. It is unfortunate more places don't have his lack of fear for the resident registered citizen. The registered citizen is far and away a responsible citizen.

Tasks completed:

1. Registered at Sheriff SO. Very kind. Reopened bank account. Bought food.
2. Issued drivers license ant DMV (very efficient)
3. Spent 3 hr at DES only to find out I was unqualified for benefits.
4. Went to VA to get benefits restored. VA requires documentation from a law enforcement officer before benefits are restored, took me 4 months. Could be solved with a letter from ADC. Ironically, while I was using VAMC facilities, the VA still didn't believe I was out of prison! I am 50% disabled.
5. Went to SS. No credit for any month in which 1 day incarcerated. Part B of Medicare not effective until 1 July, 10% penalty for every year after 65, regardless that ADC would not let me apply when I was 65. No automatic SSI, extra benefits, etc.

Oldfield, Robert H., R.C. 23 September 2018

6. Went to VAMC. As a veteran, I could get care and meds, but takes a long time to get appointments. If not a vet, must get private insurance, if not qualified for ACCCHS.
7. Signed up for mandatory therapy.
8. Took 3 months, but finally found a church that would accept me. Two Catholic churches said I was unwelcome and the Bishop did not want registered citizens in his churches, except for Sun City.
9. I finally have a car and a residence in a 55+ community.

What would release time meant for me. If I had been released with 85% + 180 days T.R., I would have been released. I would have been released after about 12 years. By that time, I had completed therapy and programming. I would have happily accepted the release time as extra parole time. I would have been 72, my marriage likely saved, my ability to get work easier, fewer health issues, and the cost of housing would have been less. I would have paid about \$36,000 state and federal taxes on retirement and would have added to the economy. I would have saved the state about \$120,000 of incarceration and medical costs. The important thing: would I have been a greater risk to society being released at 72 rather than 75? The answer is statistically "NO." All my therapy and maintenance evaluations pointed to me being a safe person. My STAT-99 was -3. I was a Phase 3 with no disciplinary. I understand that "No one is promised tomorrow," but there needs to be a point where the state says, "Has this person been punished enough and is he a good risk for early release?" This is in line with conservative values that advocate the least cost for a government action. Earned release credits and T.R. are in line with these values! Incarcerating people forever, or for such long terms they become wards of the state when released at enormous cost is not in line with conservative thinking, because the state is paying only for the time necessary to rehabilitate the offender. It is an American value of allowing second chances. Am I some wild-eyed liberal? Of course not! I want more money going to education and other programs that make Arizona a great state. I am a center-right person. I believe in law-enforcement and incarcerating those who have committed serious crimes and a danger to society. But my beliefs also center on that incarceration should only be long as necessary. Many victim rights groups support that, because the earlier someone is releases, the sooner restitution can be paid off, more money for victim rights causes and restorative justice. Finally, excessive incarceration causes inmates to lose hope, become depressed, bitter, bullies and often, suicide.

If "ADC" is really the "Arizona Department of Corrections", then a paradigm shift is needed on how the department operates. As a commander in the Army, I learned the busier my soldiers were with constructive activities, the fewer problems I would have. ADC needs the same philosophy. Inmates should be evaluated at intake on their educational, program, therapy, vocation and future release needs. Every inmate should have a busy schedule every day. Every inmate should be evaluated by their CO-III once a quarter for progress, which, over time could turn into additional release credits.

One does not train a dog to behave during its last 2 years of life; it is trained as a puppy. So, should it be with inmates. Good programming at the beginning of an inmate's term should orient the inmate to the benefits of good behavior and programming. Now, inmates are given therapy, vocational counselling and release planning during their last year. This is too late and results in many failures and high recidivism. Suppose 70% of 3rd graders failed the reading and math exam. There would be an uproar. Because of media and society indifference, no one seems to care about the thousands of new victims created when a new crime is committed and the individual returned. Boredom with a very long sentence often leads to suicides and even volunteering for lethal injection! Death becomes a more bearable alternative for many.

Oldfield, Robert H., R.C. 23 September 2018

ADC will ask, "where is the money coming from?" It can come from reinstating parole, allowing good time to be earned, changing "truth in sentencing" from 85% to 65% and 50%, and changing sentencing structure. 1 day of good time for 40,000 inmates = 1 million dollars. Imagine how much programming could be paid with 1 year of good time (14,600,000 dollars)! Money not needed by ADC could go to education and other programs, underfunded because of the high cost of incarceration. There is no incentive as effective as "good time." And "earned release credits.". The opportunity of earlier release after many years in prison helps keep inmates focused on good behavior and doing what is required. Flat time tells an inmate that it makes no difference what they do, they will not be released a second sooner. Flat-timers usually have higher disciplinary rates as a result.

Yes, we need prisons and incarceration. Length of incarceration should be commensurate with the most serious crime. We sentence 1st degree murders and many 2nd degree murders to life. But, I know an inmate sentenced to 200 years for possessing 20 porn pictures. 200 years is essentially life. Are the two crimes equivalent? Of course not. Incarceration time should be commensurate with the crime, in this case, 10 years with good time should be more than adequate punishment. This, and many similar cases are reasons our prisons are overcrowded with people who have long served commensurate punishment (Jonny Cash, "Why I Wear Black"). Much of this could be solved by doing away with most consecutive sentences and allow the judge, with well-designed legislative guidelines, apply an appropriate sentence and not a mandatory minimum. With the exception of child molestation under clothes and rape, SO crimes could be reduced from Class 2,3 and 4 to Classes 3,4,5 and 6, and maybe misdemeanors. Classes 1 and 2 should be reserved for murder and the most serious sex crimes. The legislature must take into account that the average life span of a human is about 80 years, and sentences that exceed that are essentially life, or death in prison. Is this the society we are? Also, the cost of geriatric care is enormous, and usually inadequate.

Another example of disproportion: A trucker was watching his phone and killed a state trooper. He got 6 years. Had the trooper stopped him first and noticed a child porn picture, the trucker would have received at least 10 years (flat time), lifetime probation and registration.

Success for release and successful integration as a taxpaying member of society involves seven things:

1. Remorse for the crime and empathy for the victim.
2. Understanding what needs to be done to be a good citizen.
3. Building self-esteem and confidence
- 4.. A safe place to live when released.
5. An appropriate place to work.
6. Manage registered citizens by zip code and not allow employers or apartments to discriminate more harshly against registered citizens than other felons, unless there is a compelling interest.
- 7.. Restoration of the right to vote after one year of release, regardless of parole or probation status.

It would help if ADC could give some refresher driver and technology training to those being released after over 10 years..

This means that release planning requires ADC to work smarter and harder in helping the inmate to get a place to work and a job before release. The state is big and many resources to accomplish this.

There are other things to be done, some requiring Federal legislation:

Oldfield, Robert H., R.C. 23 September 2018

1. Allow SO's to get their state ID/license in prison.
2. Register SO's in prison.
3. Pre-register for DES to expedite benefits if indigent.
4. Allow pre-registration for VA and Social Security/SSI benefits.
5. Give the released hygiene and a change of clothes, coat, etc. These could be donated.
6. Give a bus pass to those going to cities.
7. Raise gate fee to \$500, exempting for those with life or essential life.

Other recommendations:

1. Do not allow former SO's with new physical crimes to be housed on a 3 or lower SO yard.
2. Drop the prohibition of SO's from going to 2 yards and working in appropriate jobs off the yard. Also allow low-level SO/GP to work together, say in education.
3. Develop vocational training that is appropriate for those 50 and older when released.
4. Every SO offense is considered "violent". Yet, guards like SO yards because they are more peaceful and less violent. Most SO offenses do not need to be classified as violent, when a DUI involving death or injury is not.
5. Allow people to age off the registry after 10 years or after age 80.
6. Technical violations that are not crimes should be "jail time", not return to prison. Or perhaps community service?
7. Failure to register should be a Class 6 felony, with 30 days in jail for the first offense, 90 days for the second and 1-2 years in prison for the 3rd. 2-4 years of prison time is excessive, considering other offenses that are more serious, yet less punishment. A class 4 punishment for failure to register, even if a few days late (usually a good reason) is like grounding your teenager a year for being 15 minutes late for curfew.
8. While most of the released have a parole or probation officer, consider mentors that could also be available.
9. Consider a "Blue Ribbon" committee to recommend changes in sexual offense laws and punishments. Incorporate experts of sexual offenses and victim issues so that crimes are appropriately classified, punishments appropriate to the crime and mandatory therapy in prison is imposed, tailored for the crime.
10. Virtually every state downgrades molestation if over clothes. Arizona should too. Are we going to charge parents who pick up their child between their legs with a Class 2 felony when the kid is wearing f5 layers of clothing?
11. Reinstate parole. Every inmate not given natural life or parole eligibility after 25 years (usually for murder) should have the right of a parole hearing after 10 years incarceration, 80% if less than 10 years. Parole boards should be required to look at all evidence-based accomplishments of the inmate since incarceration. Since parole is essentially creating "outmates" from "inmates", paroles can be required to continue programs as long as they are on parole. Paroles are still technically "in prison."

Oldfield, Robert H., R.C. 23 September 2018

12. A radical idea: Re do sentencing to give shorter incarceration times and longer parole times. For example: a 15 y sentence has 26 months of parole. How about reducing that to 10 years prison and 7 years of parole? Parole is far more cost effective, too, and working paroles pay taxes, consume goods and services-all that add to the economy. An inmate adds nothing to the economy.

13. On average, an inmate costs the state about \$26/day. So, one would think that the services provided would equal \$26/day. This is not true. Private prisons are paid \$75/day, 95% occupancy. There are about 6,000 inmates in private prisons @\$75/day, or about \$165,000,000 a year, over 10% of the ADC budget. This means that inmates at state prisons are supported at much less than \$26/day. One reason for poor health care, poor food, and overcrowded facilities.

14. Yes, people on the registry do reoffend. But most are for drugs, DUI and property crimes. Virtually every sexual offense is committed by someone who is not on the registry! Most registered citizens have recidivism of a sexual offense below 4% in 5 years. The odds of a male committing a sexual offense is 5% anytime. A registered citizen is less likely to commit a new sex offense than an unregistered citizen. So why have a registry? It tracks the wrong people!

15. There needs to be diversion programs for most sexual offenses, especially for children and teens. A 9 year old can go to prison for molestation, but a 10 year old who kills can stay in juvenile detention until he is 18. Both Pinal and Maricopa counties touted their diversion programs, but neither included sexual offenses. Children should not go to prison. And a conviction and placement on the registry ruins them for life. Ditto for "Romeo and Juliet" crimes and teen sexting. Diversion programs with effective therapy will be far more effective, cost effective and beneficial for society. Maricopa County needs to match other counties with 4x more diversion than convictions. Maricopa County would be more cautious if the county paid its proportional prison costs for its 75% of inmates.

16. We need to understand that it is likely 15% of all adults in AZ have no civil rights as a result of a conviction. This is growing. One day, there may not be anyone who can vote!

17. The community needs better education on the availability of therapy for sexually-aggressive children, teens and adults, who may feel they have pedophilia. Pediatricians should be trained to ID children who are in need on SO therapy.

I would be remiss if I didn't address victims. "Victims" is seldom singular because a crime against someone is also a crime against their family, friends and society. We cannot forget that. It is sad, but understandable that every victim wants their perpetrator to receive the death penalty or prison for life. This is why sentences need to be proportional to the crime and why, after an appropriate prison term, the use of parole to continue punishment is appropriate. And yet, over time, many victims see the need for shorter time and restorative justice. The victim is also entitled to restitution, a monetary compensation for costs and has access to civil courts for additional compensation. Victims have rights to exercise their rights. But there is not enough money to pay for the lifetime incarceration of everyone. Incarceration, as punishment, needs to be commensurate with the crimes committed. By using shorter incarceration and longer parole, society is being served by returning people to productivity and good citizenship. Longer parole means that the punishment continues for some time, serving the victim's desires. Longer parole is an opportunity to actually increase the length of a sentence! Parole also offers the opportunities for more choices of therapy and other services prison cannot provide. Parole means restitution can be paid off faster. Suppose an inmate has \$5000 restitution and makes \$0.25/hr and works 60 hours a pay period. (s)he makes \$15, of which 30% goes to restitution, which is \$4.50. It would take about 20.00 hours of work, or over 54 years. If on parole and making \$15/hy, the debt is paid off in less than a

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year. This is real restorative justice! One PO paid \$50k a year to manage 30 "outmates" is far more efficient and effective than incarcerating those 30 outmates as inmates at 26k/year or more. Outmates having health needs can be treated more efficiently and economically than the prison healthcare system.

This, I believe is a good balance between the rights of victims and society and the needs of society to return people to productive lives and good, law-abiding citizens and using taxpayer money wisely.

Thank you for the opportunity to address you and the public.

ADDENDUM

My life in prison:

Jeffery Oldfield
LTC, USA, Ret

A sentence of incarceration should not also include physical, emotional and verbal abuse. It also should not include punishing everyone for the offense of a few (corporeal punishment). Incarceration should be the punishment. Correctional Officers should be there to correct and modify bad behavior.

I moved several times because I was bullied. ADC likes bullies, as they keep them on the yards and punish the bullied with isolation. I was also sexually harassed by female guards, who would watch via mirrors myself and others strip-searched. One female guard at Meadows would do her walk when men were on the commode (there were no doors, yet she made a point to look over. Another female guard was over-heard saying she was sexually-aroused watching men use the urinal. There was no vocational training I could take that would help me upon release. Several guards would not allow a response from an inmate-tell him to shut up or get a ticket. One guard did physically assault an inmate and received no discipline. I had a hearing problem, but often placed in rear bunks. Theft was rampant, yet no security to monitor or staff to care. Transportation usually was without seatbelts. Long trips often without food, while the guards could dine at Whataburger. Bus toilets offered no privacy or toilet paper. Drugs were rampant. They usually came in by staff, as inmates are strip-searched at visitation. Homosexuality is a big problem, as there are no sexual outlets except masturbation. Some female guards/staff will "sell" themselves to inmates for sex. Most dorms had no climate control. In 2016, South Unit was given money to A/C all 9 dorms. Only 3 were done and the rest of the money squandered by the DW, who shortly retired. Another case of financial abuse was in 2016 when the Meadows DW spent >\$80k to build a rec yard for 80 inmates, that went into disuse a year later. That money was for maintenance, clothes, etc. for inmates, yet squandered on a pet project. Yes, the Supreme Court says that inmates have no right to be comfortable, but dorm temps in the 40's and 50's; 90-125 are simply inhumane. Yes, soldiers endure these temperatures, but they are trained. These are unhealthy to the sick, aged, infirmed and weak. Fans help the men in the front. Yet, no-one seems to care. Humans are animals. If mistreated, they will respond like a mistreated dog or other animal. No wonder there was so much violence at Lewis! Helthcare, being private, is based on cost. Inmates cannot even use their private insurance! Many are mis-diagnosed. A friend of mine with a brain tumor was diagnosed with: poor vision (get new glasses), arthritis, rheumatism and anything but brain cancer. He died shortly after finally leaving the yard on Christmas day, 2009. The US is not a 4th world country where inmates are caged and treated as wild animals. 95% will be released and society wants them to behave as law-abiding members of society. I am happy to meet with any member to discuss the abuse I saw and experienced during my 15 years incarceration. Thank you.

The United States Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) said in 2017:

“Research comparing the recidivism rates of sex offenders with non-sex offenders consistently finds that **sex offenders have lower overall recidivism rates than non-sex offenders** [emphasis added].”

https://www.smart.gov/SOMAPI/sec1/ch5_recidivism.html